

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document relates to:

Case No. 1:17-op-45053-DAP (S.D. W.Va.)
and
Case No. 1:17-op-45054 (S.D. W.Va.)

CABELL COUNTY COMMISSION and
CITY OF HUNTINGTON, WEST VIRGINIA,

Plaintiff,

PURDUE PHARMA L.P., *et al.*,

Defendants.

MDL No. 2804

Case No. 17-md-2804

Judge Dan Aaron Polster

MOTION FOR LEAVE TO CORRECT
THIRD AMENDED AND JOINT
COMPLAINT TO CONFORM TO THE
SUBSTANCE OF THE PLEADING
AND TO RE-FILE CORRECTED
THIRD AMENDED AND JOINT
COMPLAINT UNDER SEAL

**MOTION FOR LEAVE TO CORRECT THIRD AMENDED AND JOINT COMPLAINT
TO CONFORM TO SUBSTANCE OF THE PLEADING AND TO RE-FILE
CORRECTED THIRD AMENDED AND JOINT COMPLAINT UNDER SEAL**

Pursuant to Local Rule 7.1, Plaintiffs, the City of Huntington and the County of Cabell, hereby move for leave to amend their Third Amended and Joint Complaint (“TAC”) to make the corrections described below and to re-file their Corrected Third Amended and Joint Complaint under seal. Plaintiffs’ Corrected Third Amended and Joint Complaint seeks to correct inadvertent errors and/or omissions to the entities listed in (1) the caption and (2) Paragraph 13 and its corresponding footnote. Specifically, Plaintiffs respectfully request leave to make the following corrections:

A. The Caption

1. To correct the caption by adding the following defendants named in the TAC but inadvertently omitted from the caption:
 - a. CVS Pharmacy, Inc. (*See* TAC ¶ 152)
 - b. West Virginia CVS Pharmacy, LLC (*See* TAC ¶ 163).
 - c. Rite Aid of West Virginia (*See* TAC ¶ 185).
 - d. Tasmanian Alkaloids Pty. Ltd. (*See* TAC ¶ 94).
 - e. Walgreen Co. (*See* TAC ¶ 205).
2. To modify the following entity names with the additional text bolded below:
 - a. Allergan Plc f/k/a Actavis Plc **f/k/a Allergan Inc.**
 - b. Par Pharmaceutical Companies, Inc. **f/k/a Par Pharmaceutical Holdings, Inc.**
3. To remove the following entity names:
 - a. Kroger Co.
 - b. Allergan Inc., which should instead be included as the entity “Allergan Plc f/k/a Actavis Plc **f/k/a Allergan Inc.**,” as set forth in TAC ¶ 70.

B. Paragraph 13

Plaintiffs also request leave to correct the list of defendants identified in Paragraph 13 by:

1. Adding the following entity names:
 - a. Amneal Pharmaceuticals, Inc.;
 - b. Amneal Pharmaceuticals of New York;
 - c. Impax Laboratories, LLC;
 - d. Par Pharmaceutical Companies, Inc.;
 - e. Rhodes Technologies, Inc.;
 - f. Tasmanian Alkaloids Pty. Ltd.
2. Modifying the following entity names as indicated in bold below:
 - a. Allergan Plc **f/k/a Actavis plc f/k/a Allergan Inc.**
 - b. Allergan Finance, LLC **f/k/a Actavis Inc. f/k/a Watson Pharmaceuticals, Inc.**,
 - c. Actavis Pharma, Inc. **f/k/a Watson Pharma Inc.**,
 - d. Janssen Pharmaceutica, Inc. **n/k/a Janssen Pharmaceuticals, Inc.**
 - e. Ortho-McNeil-Janssen Pharmaceuticals, Inc. **n/k/a Janssen Pharmaceuticals, Inc.**
 - f. Optum Rx **Inc.**
 - g. Wal-Mart Pharmacy **Warehouse #45**
 - h. Wal-Mart Pharmacy **Warehouse**
3. Removing the following entity names:

- a. Allergan Inc.
- b. Wal-Mart Pharmacy 10-2244
- c. Wal-Mart Pharmacy 10-5296

C. Footnote 12 to Paragraph 13

1. Plaintiffs also request leave to correct footnote 12 to reflect that the following parties were added as new defendants on June 13, 2019:
 - a. Amneal Pharmaceuticals, Inc.;
 - b. Amneal Pharmaceuticals of New York LLC;
 - c. Impax Laboratories, LLC.;
 - d. Tasmanian Alkaloids Pty. Ltd.
2. Plaintiffs also request leave to amend footnote 12 to reflect the following:
 - a. Subsequent to the filing of its Second Amended Complaint, on July 6, 2018, Plaintiff Cabell County dismissed Rite Aid Corporation without prejudice.
 - b. Subsequent to the filing of its Second Amended Complaint, on July 16, 2018, Plaintiff Cabell County:
 - i. Dismissed CVS Health Corporation without prejudice
 - ii. Dismissed Walgreens Boot Alliance, Inc., without prejudice
 - iii. Substituted parties CVS Tennessee Distribution, LLC, CVS Indiana LLC, and CVS RX Services, Inc.
 - c. CVS Indiana LLC was previously named in the City of Huntington's Second Amended Complaint.
3. Finally, Plaintiffs also request leave to remove the list of entities identified as "modified or corrected" in the interest of clarity.

On July 8, 2019, Judge Dan Aaron Polster granted Plaintiff's Motion for Leave to file this motion.

WHEREFORE, Plaintiffs respectfully request that the Court grant Plaintiffs leave to correct and re-file under seal Plaintiffs' Corrected Third Amended and Joint Complaint with the amendments described above.

Respectfully Submitted,

/s/ Anne Kearse

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CERTIFICATE OF SERVICE

I hereby certify that on July 12, 2019, a copy of the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Anne McGinness Kearse
Anne McGinness Kearse